

NOTICE OF OBJECTION TO CONFIRMATION

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2006-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2 has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103

MARIE-ANN GREENBERG, Trustee  
30 TWO BRIDGES ROAD, SUITE 330  
FAIRFIELD, NJ 07004

2. Attend the hearing scheduled to be held on 02/20/2019 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: January 24, 2019

/s/ Sherri J. Smith  
Sherri J. Smith, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 47923  
Fax: 856-813-5501  
Email: Sherri.Smith@phelanhallinan.com

**File No. 820538**

Phelan Hallinan Diamond & Jones, PC

1617 JFK Boulevard

Philadelphia, PA 19103

856-813-5500

FAX Number 856-813-5501

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2006-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2

In Re:

SAMUEL D. MARTIN

Debtors

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 18-33134 - RG

Hearing Date: 02/20/2019

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2006-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2, the holder of a Mortgage on Debtor's residence located at 57-59 TREACY AVENUE, NEWARK, NJ 07108 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1. Movant is U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2006-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2.
2. Debtor, SAMUEL D. MARTIN is the owner of the property located at 57-59 TREACY AVENUE, NEWARK, NJ 07108.
3. Movant is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$302,700.29 and the total debt claim is \$612,280.00.
4. Debtors' Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtor's Plan does not provide for payment of arrears to Movant. Instead, the Debtor's Plan seeks to cramdown Movant's valid secured lien to the value of \$125,000.00. Movant does not agree to this value.

6. Movant objects to this treatment of its claim and the proposed valuation of the property as the subject property is Debtor's principal residence and Movant's claim is protected under the anti-modification clause of §1322(b)(2).
7. Further, Movant takes the position that the subject property value far exceeds that amount being claimed by the Debtor.
8. Movant objects to the Debtor's proposed Chapter 13 Plan as it provides zero evidence to substantiate the value listed in the Plan. Strict proof is demanded at trial.
9. Movant requests the opportunity to conduct an appraisal of the property and have a valuation hearing scheduled, if needed.
10. Based on the foregoing, Movant requests that the confirmation of the Chapter 13 Plan be denied in its entirety.

WHEREFORE, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2006-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2 respectfully requests that the Confirmation of Debtors Plan be denied.

/s/ Sherri J. Smith  
Sherri J. Smith, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 47923  
Fax: 856-813-5501  
Email: Sherri.Smith@phelanhallinan.com

Dated: January 24, 2019

<b>UNITED STATES BANKRUPTCY COURT</b> <b>DISTRICT OF NEW JERSEY</b> <b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b>	
820538 Phelan Hallinan Diamond & Jones, PC 1617 JFK Boulevard, Suite 1400 Philadelphia, PA 19103 856-813-5500 Attorneys for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2006-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2	
In Re:	Case No: 18-33134 - RG
Samuel D. Martin	Hearing Date: 02/20/2019
	Judge: ROSEMARY GAMBARDELLA
	Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, Jason Seidman:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2006-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2 in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On January 24, 2019 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: January 24, 2019

/s/ Jason Seidman  
Jason Seidman

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Samuel D. Martin 57-59 Treacy Avenue, Newark, NJ 07108	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Jacqueline Martin 57-59 Treacy Avenue, Newark, NJ 07108	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Herbert B Raymond, Esquire 7 Glenwood Ave Suite 408 4th Fl East Orange, NJ 07017	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg, Trustee 30 Two Bridges Road Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail

Newark, NJ 07102		<input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.